IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

RCRev..No. 450 of 2006-F

AGAINST THE ORDER DATED 30/11/2006 IN IA 2663/06,3326/06 IN RCA.80/2006 of I ADDL.DISTRICT COURT,(RENT CONTROL APPELLATE AUTHORITY), ERNAKULAM
RCP.191/2005 of III ADDL.MUNSIFF & RENT CONTROL COURT, .ERNAKULAM.
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REVISION PETITIONER/TENANT

K.G.MOHAN, AGED ABOUT 55 YEARS,
S/O.K.V.KURIEN, RESIDING AT KARIYAKULAM,
6TH LANE, KANNACHANTHODU, ERNAKULAM,
KOCHI-12.

BY ADV. SRI.P.F.FRANCIS

RESPONDENTS: LAND-LORD

ALEXANDER, AGED 62 YEARS,
S/O.IDICHANDY, RESIDING AT `MANORAMA' HOUSE,
KANNACHANTHODU, ERNAKULAM VILLAGE,
KANAYANNUR TALUK.

BY ADV. SRI.JOSEPH FRANKLIN

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

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R.C.R.NO. 450 OF 2006

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DATED THIS THE 9TH DAY OF JANUARY 2007

ORDER

Udayabhanu,J.

The petitioner is the tenant who has sought for setting aside the orders of the courts below rejecting his application to set aside the ex parte order passed against him. It is stated that the Rent Control Court advanced the petition of the landlord on his filing an application for early hearing and without notice to the petitioner, the same was allowed setting him ex parte. It is further contended that he had paid Rs.15,000/- as directed by the appellate authority.

2. We find that the appellate authority has specifically found that the case that the Rent Control Court advanced the application without notice to him and that he was made ex parte is totally unfounded. Hence, the very basis of the contention of the petitioner is incorrect. Moreover, the petitioner has remitted only Rs.15,000/- as arrears of rent that too beyond

the period specified by the appellate authority and without the period getting extended on the date of deposit. He was bound to pay Rs.35,000/- as arrears of rent then. The appellate authority had stayed the execution proceedings on condition that the revision petitioner deposits the admitted arrears of rent on or before 18-9-2006, but the same was not complied with. Really he is not entitled to contest the matter as the amount of rent due till then has to be paid under section 12(1) of the Kerala Buildings (Lease & Rent Control) Act. In the circumstances, we find no reason to admit the revision petition and the same is dismissed in limine.

Sd/-

K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE